

Development of the Mobile Fishing Permit Byelaw 2022 & Considering the Response to the Formal Consultation

Officers' Recommendation

That the Mobile Fishing Permit Byelaw 2022 (and Permit Conditions), as proposed in the formal consultation, are amended before they are submitted to the Marine Management Organisation (byelaw quality assurance team) with a view to confirmation by the Secretary of State.

Background

On 20th October 2022 the B&PSC were presented with a proposed Mobile Fishing Permit Byelaw 2022, associated Permit Conditions, Annexes and an Impact Assessment which identified areas of change as compared to the existing Mobile Fishing Permit Byelaw (and Permit Conditions). Drafting work to date has recognised the decision making of the B&PSC.

On 20th October 2023, the B&PSC identified aspects of the Impact Assessment to amend and agreed to proceed with a formal consultation regarding the potential implementation of the Mobile Fishing Permit Byelaw 2022 and changes to management measures as set out in the associated Permit Conditions – Category One and Two.

Formal Consultation – Process

Defra's Byelaw making guidance sets out that the Authority (B&PSC) should examine objections before the Byelaw is then submitted for confirmation. The B&PSC must determine if there should be amendments to the Byelaw to recognise the points of objection raised during the formal consultation.

- A report has been prepared that documents how the formal consultation was conducted and details the response received. The report helps to provide context to the points of object that were raised. The supporting report forms part of the B&PSC Members' papers.

The formal consultation included a range of communication initiatives which included the use of the website and Facebook. In addition, the Mailchimp platform was used for direct notification of the consultation that was sent to **1520** contacts. The cost of advertising the proposed introduction of the Mobile Fishing permit Byelaw 2022 (and the Permit Conditions) within a selection of newspapers (a mandatory requirement) cost approximately **£4385**. Hard copy information was circulated to 30 permit holders with no email address at a cost of **£20.40**.

A range of information was made available during the formal consultation that included a copy of the proposed Mobile Fishing Permit Byelaw 2022, the associated Permit Conditions, the Annexes and the Impact Assessment.

Formal Consultation - Response

Four responses were received by D&S IFCA before the closing date of 20th January 2023. Responses were received from organisations and individual fishers. One response submitted by the Wembury Marine Conservation Area Advisory Group (WAG) was supportive, and three responses, including a response from South Devon & Channel Shellfishermen Ltd, set out concerns relating to the proposals.

Points of Objection

1. The proposed Category One Mobile Fishing Permit Conditions would prohibit the use dredges other than dredges typically used for the targeting of scallops. This would remove future fishing opportunity for fishers wishing to target mussel and clams using different dredge designs and potentially result in a loss of income.
2. The proposed Category Two Mobile Fishing Permit Conditions would retain a boat length restriction of 10 metres in overall length; however, this vessel size is considered insufficient to ensure safety and the commercial viability for the removal of mussel from the Exe Estuary (in connection with the use of an elevator harvester).

The accompanying Formal Consultation Report adds context to the themes of objection and Officer comments to clarify aspects of the responses.

Amendments

To address the points of objection, Officers recommend a series of amendments to be applied to both the Category One and Category Two Permit Conditions. In addition, a minor change should be applied to the overarching Byelaw (addition of ring net to interpretations); however, this change does not make a material difference.

Category One Permits

Officers recommend greater use of the interpretations within the Category One Permit Conditions and a change in paragraph wording where appropriate. Scallop Dredges would be defined, and in addition an interpretation would be added for “Alternative Dredge” that caters for dredge gear suited to fish for mussel and clams. The combination of these interpretations and adjusted paragraph wording would enable different types of dredges to be used subject to management measures that would include size of dredges, number of dredges and blade size.

Category Two Permits

Officers recommend a similar approach regarding the greater use of Category Two Permit Conditions that will define an elevator harvester for use in the Exe Estuary. This device is pushed and includes a conveyor system to gather mussels on board. Control measures are included in the Permit Conditions to limit its parameters which include size of conveyor and blade size. These restrictions are consistent with what has been used previously within the Estuary under a Permit.

The use of mobile fishing gear within estuaries is site specific and a vessel size restriction is only one of several restrictions that can be applied. As a range of restrictions can and are applied, the size of a vessel (other than a maximum set for the District as a whole) is not considered by Officers to be a key control measure for the Exe Estuary. The recommendation is therefore to amend the maximum size of vessel that can operate an elevator harvester (in public areas managed via the Category Two Permit Conditions) from 10 metres to 14.99 metres in overall length. This increase in vessel length will not result in any significant change in fishing effort directed towards the mussel stock within the public mussel beds of the Exe Estuary.

Next Stage of the Process

Subject to the decision making of the B&PSC, Officers will work with D&S IFCA's Byelaw Technical Working Group (BTWG) to re-draft and internally quality assure the Byelaw and

associated Permit Conditions. Officers will inform stakeholders about how the B&PSC considered the consultation response and will prepare a “final” Impact Assessment. The Byelaw, Permit Conditions, Annexes, Impact Assessment, and further details (such as proof of advertising and minutes from B&PSC meetings) will be sent to the Marine Management Organisation (byelaw quality assurance team).

Changes may be advised by the MMO before the Byelaw and Permit Conditions are sent to the Secretary of State for potential confirmation. There is potential that further decision making by the B&PSC will be required.

Background Papers

- B&PSC reports and minutes from meetings – 2019 to 2022 (D&S IFCA Website Resource Library)
- Formal Consultation Report (14th February 2023)

End.